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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-208757

DATE: September 8, 1982

MATTER OF: Alabama Metal Products, Inc.

DIGEST:

GAO does not consider allegations concerning the legal status (manufacturer/regular dealer) of firms under the Walsh-Healey Act. Such matter is decided by the contracting agency subject to review by the Small Business Administration (where a small business is involved) and the Secretary of Labor.

Alabama Metal Products, Inc. (AMPCO), protests the Navy's consideration of an apparent low bid, in response to solicitation No. N00228-82-B-7526, tendered by a firm (Kendall Peterson) which AMPCO believes is neither a manufacturer nor regular dealer under the Walsh-Healey Act (Act), 41 U.S.C. § 35-45 (1976).

We do not consider the legal status (manufacturer/regular dealer) of firms under the Act. By law this is determined by the contracting agency subject to review by the Small Business Administration (SBA) (where a small business is involved) and the Secretary of Labor. Gillette Industries, Inc., B-204232, August 13, 1981, 81-2 CPD 139.

AMPCO mentions that its certified mail bid was apparently misplaced by the Navy after its receipt at the Regional Procurement Dept., Naval Supply Center, Oakland, California. We have been advised by the Navy that AMPCO's bid was mishandled, but the Navy discovered its error and did in fact consider AMPCO's bid.

In view of the above, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel